

REMARKS

Claims 1-3 and 8-28 are pending in this application. By this Amendment, claim 1 is amended, claims 6-7 are canceled without prejudice or disclaimer and new claim 28 is added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Office Action rejects claims 1, 3 and 6-20 under 35 U.S.C. §102(b) over U.S. Patent 5,406,401 to Kremer. The Office Action also rejects claims 2 and 21-27 under 35 U.S.C. §103(a) over Kremer. These rejections are respectfully traversed.

Independent claim 28 recites a plurality of signal paths configured as a through path, an add-drop path, a ring add-drop path, and an add-drop & through path. Independent claim 28 also recites a subscriber service processing unit in communication with the path signal controller to add, to drop, to pass through, or to add, drop, and pass through the optical signals via the optical signal transceiving unit using the at least one of the configured signal paths selected by the path signal controller.

Additionally, independent claim 1 recites the east-west add-drop & through path is configured to drop a path signal received from the east to a subscriber service processing unit, to add the path signal received from the subscriber service processing unit to the west, and to pass the path signal received from the west through the east. Independent claim 1 also recites the west-east add-drop & through path is configured to drop a path signal received from the west to the subscriber service processing unit, to add the path signal received from the subscriber service processing unit to the east, and to pass the path signal received from the east through the west.

Previous claims 6 and 7 related to two types of add-drop & through paths, the features of which have been introduced into amended claim 1, and similarly recited in new claim 28.

Kremer does not teach and/or suggest the particular structure of applicant's claim 28, namely a plurality of signal paths configured as a through path, an add-drop path, a ring path, and an add-drop & through path. Upon cooperation with the system controller that controls the optical signal transceiving unit, the path signal controller, and the subscriber service processing unit, applicant's claimed features may properly accommodate high-speed data services, which could not be properly handled by related art optical transmission systems.

Kremer may suggest to pass, to add, to drop and to bridge a signal "individually" or in a separate manner for an add-drop multiplexer (ADM). See Kremer's col. 3, lines 21-34. However, applicant's features improve upon the related art (as explained in applicant's background of the invention section) of which Kremer generally pertains. Namely, Kremer's broad, general suggestions are merely an example of the related art that applicant has enhanced. In other words, Kremer does not teach or suggest how to specifically handle a "combined" signal path, such as applicant's plurality of signal paths configured as an add-drop & through path (that also allows the same signal to be added, dropped and passed through) as recited in independent claim 28. Kremer also does not teach or suggest the claimed east-west add-drop & through path and west-east add-drop & through path as recited in independent claim 1. See, for example, pages 8-9 and 13 and Figures 4A and 4B of the present specification.

For at least the reasons set forth above, each of independent claims 1 and 28 define patentable subject matter. Each of the dependent claims depends from one of the independent

Serial No. 09/749,417

Docket No. P-0173

Reply to Notice of Appeal dated June 27, 2005

claims and therefore defines patentable subject matter at least for this reason. In addition, each of the dependent claims recites features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-3 and 8-28 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:DCO/kah

Date: August 29, 2005

Please direct all correspondence to Customer Number 34610